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JUN 23 2023

CLERK, U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

U.S. District Court

Western District Of Pennsylvania (Erie)

Plaintiff

Derrick Butler

V

Civil Action No. 1:22-cv-00289-RAL

Defendant

George Little (Secretary of Doc)

Defendant

Jake Beach (Mail room Supervisor Of SCI-Forest)

Amended Complaint

Jurisdiction & Venue

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C. Section 1331 and 1343(a)(3).

2. The Western District of Pennsylvania is an appropriate venue under 28 U.S.C. Section 1391(b)(2) because it is where the events giving rise to this claim occurred.

Plaintiff

3. Plaintiff, Derrick Butler, is and was at all times mentioned herein a prisoner of the state of Pennsylvania in the custody of the Pennsylvania Department of Corrections. He is currently confined in SCI-Forest, in Marienville Pennsylvania.

Defendants

4. At the time of matters complained of in Complaint defendant, George Little, was the secretary of Department of Corrections of the state of Pennsylvania. He was legally responsible for the overall operation of the Department and each institution under its jurisdiction, including SCI-Forest.

5. Defendant, Jake Beach, is a Mail room Supervisor of the Pennsylvania Department of Corrections, who at all times mentioned in this complaint, held the rank of Mail room Supervisor at SCI-Forest.

6. Each defendant is sued individually and in his official capacity. At all times mentioned in this complaint, each defendant acted under the color of state law.

Facts

7. On 3/1/2022 Plaintiff sent a request slip to the mail room of SCI-Forest, requesting a list of all the legal mail he received for the year of 2022. On 3/3/2022 Plaintiff received the list from the mail room.

8. Upon reviewing the list, Plaintiff noticed the legal mail dated for 2/18/2022 from the Superior Court was rejected by the mail room. **See Exhibit A.**

9. SCI-Forest mail room failed to provide Plaintiff with a rejection notice after the mail room rejected his legal mail from the Superior Court on 2/18/2022.

Legal Argument

10. Plaintiffs Fourteenth Amendment procedural due process right was violated when SCI-Forest mail room rejected his legal mail without giving him notice. Plaintiff has a liberty interest in corresponding by mail.

11. The interest in uncensored communication by letter is plainly a liberty interest. So the Prison must provide minimum procedural safeguards when they censor or withhold delivery of a particular letter. Notice and a reasonable chance to challenge the original official's decision satisfies due process.

12. Plaintiff has no plain, adequate, or complete remedy at law to redress the wrongs described herein. Plaintiff has and will continue to be irreparably damaged by the conduct of the defendants unless this court grants the compensatory and punitive relief which plaintiff seeks.

Grievance Procedure

13. Plaintiff gave the defendant's a fair opportunity to resolve the issue by exhausting the prison grievance procedure, which resulted in his final grievance Appeal being Denied. **See Exhibits B 1-6**

Show Causation

14. Defendant, George Little (Secretary of D.O.C.) is liable for the violation of Plaintiffs rights, because after learning of the violation through the grievance Procedure he failed to remedy the wrong. **See Exhibit B-6.**

15. Defendant, Jake Beach (Mail Room Supervisor) is liable for the violation of Plaintiffs rights, because after learning of the violation through the grievance procedure he failed to remedy the wrong. **See Exhibit B-2.**

Prayer For Relief

Wherefore, plaintiff respectfully prays that this court enter judgment granting Plaintiff:

16. Compensatory damages against each defendant, jointly and severally.

17. Punitive damages against each defendant.

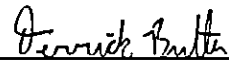
18. A jury trial on all issues triable by jury.

19. Plaintiff's cost in this suit.

20. Any additional relief this court deems just, proper, and equitable.

I Declare Under Penalty of Perjury That The Foregoing Is True and Correct.

6/20/2023
(Date)


(Signature of Plaintiff)